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Attorneys for Defendant
HILTON HOTELS CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DOANE ATWOOD, individually and on behalf
of Class of Persons similarly situated,

Plaintiffs,

v.

CITY OF SAN RAFAEL, CHIEF MATTHEW
ODETTO, OFFICER ROLEGIO LEON,
OFFICER ROBERT HENKEL, OFFICER
RICHARD CLARY, OFFICER AARON
PIOMBO, EMBASSY SUITES HOTEL, and
DOES I through X, inclusive,

Defendants.

Case No. CV 08 5002 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER FURTHER EXTENDING
THE TIME TO CONDUCT
MEDIATION, FOR ALL
DEFENDANTS TO RESPOND TO
PLAINTIFF'S COMPLAINT AND
CONTINUE CASE MANAGEMENT
CONFERENCE**

RECITALS

WHEREAS, Plaintiff DOANE ATWOOD ("Plaintiff") filed this action against
defendants CITY OF SAN RAFAEL, CHIEF MATTHEW ODETTO, OFFICER ROLEGIO
LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD CLARY, OFFICER AARON
PIOMBO AND HILTON HOTEL CORPORATION (erroneously sued as "Embassy Suites
Hotel") ("Defendants") on or about November 3, 2008;

WHEREAS, on January 9, 2009, the Parties entered into a Stipulation extending time for

1 All Defendants to respond to Plaintiff's Complaint;

2 **WHEREAS**, on January 13, 2009, Magistrate Judge Edward M. Chen entered an Order
3 requiring the Parties to mediate matter before Honorable Charles A. Legg (Ret.) by March 15,
4 2009, and if mediation proved unsuccessful, to file responsive pleadings by March 30, 2009 and
5 appear at an Initial Case Management Conference on April 15, 2009;

6 **WHEREAS**, this action was reassigned to Judge James S. White and Judge White
7 extended the time to mediate the case before Judge Legge to June 2, 2009 and set a Case
8 Management Conference for June 11, 2009;

9 **WHEREAS**, after the mediation was confirmed with Judge Legge's office for June 2,
10 2009, Judge Legge's schedule caused him to become unavailable on that date and the parties and
11 Judge Legge have rescheduled the mediation for June 11, 2009;

12 **WHEREAS**, the change requested herein would require continuance of the Initial Case
13 Management Conference, currently set for June 11, 2009, and related deadlines:

14 **AGREEMENT**

15 Pursuant to Civil Local Rule 6-2, the parties hereby stipulate as follows:

16 The Parties will mediate this matter before Honorable Charles A. Legg (Ret.) by June 11,
17 2009.

18 If Mediation is unsuccessful, Defendants CITY OF SAN RAFAEL, CHIEF MATTHEW
19 ODETTO, OFFICER ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD
20 CLARY, OFFICER AARON PIOMBO and HILTON HOTEL CORPORATION will file their
21 responsive pleadings to Plaintiff DOANE ATWOOD'S Complaint by June 18, 2009.

22 The Initial Case Management Conference, currently set for June 11, 2009, will be
23 continued according to this Court's timeline.

1 Respectfully submitted,

2
3 Date: May 29, 2009

BRUCE NICKERSON

4
5 By _____

6 Bruce W. Nickerson
7 Attorney for Plaintiff
8 DOANE ATWOOD

9 Date: May 29, 2009

JACKSON LEWIS, LLP

10
11 By _____

12 Jamerson C. Allen
13 Courtney L. McDevitt
14 Attorneys for Defendant
15 HILTON HOTELS CORPORATION

16
17 Dated: May 29, 2009

BERTRAND, FOX & ELLIOT

18
19 By _____

20 Tom Bertrand
21 Attorney for Defendants
22 CITY OF SAN RAFAEL, CHIEF
23 MATTHEW ODETTO, OFFICER
24 ROLEGIO LEON, OFFICER
25 ROBERT HENKEL, OFFICER
26 RICHARD CLARY, and OFFICER
27 AARON PIOMBO
28

1 Respectfully submitted,

2
3 Date: May 29, 2009

BRUCE NICKERSON

4
5 By 

Bruce W. Nickerson
Attorney for Plaintiff
DOANE ATWOOD

6
7
8
9 Date: May 29, 2009

JACKSON LEWIS, LLP

10
11 By _____

Jamerson C. Allen
Cortney L. McDevitt
Attorneys for Defendant
HILTON HOTELS CORPORATION

12
13
14 Dated: May 29, 2009

BERTRAND, FOX & ELLIOT

15
16
17 By _____

Tom Bertrand
Attorney for Defendants
CITY OF SAN RAFAEL, CHIEF
MATTHEW ODETTO, OFFICER
ROLEGIO LEON, OFFICER
ROBERT HENKEL, OFFICER
RICHARD CLARY, and OFFICER
AARON PIOMBO

PROPOSED ORDER

Based on the foregoing, and good cause so appearing, the Court hereby orders:
Legge

1. The Parties will Mediate this matter before Honorable Charles A. Legge (Ret.) by June 11, 2009.

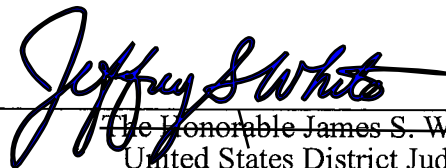
2. If Mediation is unsuccessful, Defendants CITY OF SAN RAFAEL, CHIEF MATTHEW ODETTO, OFFICER ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD CLARY, OFFICER AARON PIOMBO AND HILTON HOTEL CORPORATION respond to Plaintiff DOANE ATWOOD'S Complaint by June 18, 2009.

3. The Initial Case Management Conference, currently set for June 12, 2009, is hereby continued to July 17, 2009. A joint CMC statement is due July 10, 2009.

4. The dates set forth in this Court's Order Setting Initial Case Management Conference and ADR Deadlines are continued accordingly.

IT IS SO ORDERED.

DATED: June 1, 2009



The Honorable James S. White
United States District Judge

Jeffrey S. White